THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.6336 OF 2006

Between:

1.Koppula Shankaramma, w/o.late K.Rajender, Wanrangal District and two others

…….petitioners

Vs.

1) Divisional Railway Manager, Personal Branch, South Central Railways, V Floor, Sanchalan Bhavan, Secunderabad and two others.

…..Respondents.

THE ON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.6336 OF 2006

O R D E R:

This writ petition is filed in the declaring the action of the respondents in not releasing the death benefits of Late K.Rajender in favour of the petitioner as highly arbitrary and illegal.

The first petitioner is the legally wedded wife of late K.Rajender and petitioner Nos. 2 and 3 are her daughters.

It is the case of the petitioners that on 04.05.1989 the husband of the first petitioner was appointed as Helper at Kazipet, South Central Railways and put in morethan 16 years of service. While he was in service, he died on 21.10.2004. After the death of the deceased, the first petitioner submitted an application, dated 17.06.2005 before the respondent-authorities, requesting to pay the benefits of the deceased i n favour of the petitioners. In spite of producing the Succession Certificate and other documents, the respondent authorities are not considering the case of the petitioners for releasing the death benefits of the deceased.

Smt.Pushpinder Kaur, learned Counsel for the Railways produced a letter, dated 23.03.2007 of the Divisional Manager, Personnel Branch, Secunderabad, wherein it is stated as follows:

> *"As per the records and the nomination given by the late employee Smt.Koppula Shankaramma, the petitioner is the wife of the deceased*

employee, but one Smt.Malleshwari also made a claim for the settlement dues stating herself as a wife of the deceased employee vide her representations, dated 31.12.2004, 01.04.2005 and 11.07.2005. Under these circumstances, the department advised Smt.Malleshwari vide letters, dated 16.03.2005, 20.07.2005 and 18.08.2006 to file a case before the competent court of law for declaration of her title as the wife of the deceased employee and to obtain interim prohibitory order restraining the department for making the payment in favour of Smt.K.Shankaramma within a period of one month from the dateof receipt of the above letter.

Since Smt.Malleshwari has not obtained any interim order from any court restraining the department arranging the payment in favour of K.Shankaramma the petitioner, now the department has taken a decision to release/pay the settlement dues in favour of Smt.K.Shankaramma, the petitioner and her children as per rules."